



BFW

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

INVENTOR(S) : August, et al.

TITLE : **A METHOD AND APPARATUS FOR  
INTERACTIVE LANGUAGE  
INSTRUCTION**

APPLICATION NO. : 09/392,844 /

FILED : September 9, 1999

CONFIRMATION NO. : 1882

EXAMINER : Martin Lerner

ART UNIT : 2626

ALLOWED : April 4, 2006

ATTORNEY DOCKET NO. : LUTZ 2 00030-1  
Case Name/No. August 25-1-7-8-1-2-2-4

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE  
AND REPLY TO TELEPHONE INTERVIEW SUMMARY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
**Mail Stop Issue Fee**

Dear Sir:

The Examiner indicated that claims 2-20 and 24 are allowed over the prior art. This recognition of allowable subject matter is acknowledged and appreciated.

However, while the applicant(s) agree that the claims are allowable, the applicant(s) do not concede that the claims are only allowable for the precise reasons stated by the Examiner.

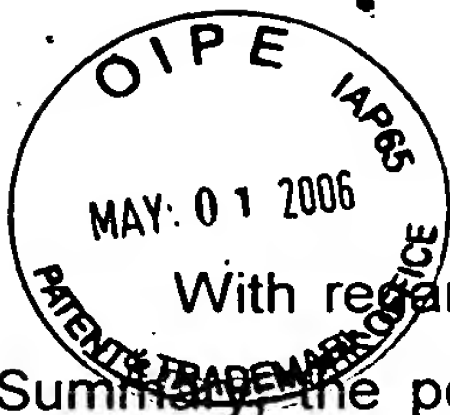
Furthermore, the applicant(s) do not concede that the Examiner's statements are entirely accurate and precise.

### **Reply to Interview Summary**

The Applicants provided a summary of the telephone interview of February 17, 2006 in Applicants' Amendment 3, which was mailed March 13, 2006. However, the Applicants are taking this opportunity to respond to the Examiner's Interview Summary which was mailed with the Notice of Allowance and Fees Due mailed April 4, 2006.

In that Summary, the Examiner indicated that the Examiner stated that the Pre-Brief conference was improper and would not be granted because it was more than five pages and could be construed to be filed with an After Final Amendment, contrary to the rules of the pilot program.

However, the recollection of the Applicants' representative with regard to this portion of the Interview differs from that of the Examiner. Mr. Thomas Tillander recalls that the Examiner asserted that the Pre-Appeal Brief conference request might be improper. In response, Mr. Tillander pointed out that the Pre-Appeal Brief conference request included a cover page requesting that the arguments presented on the following five pages be considered and submitted that the fact that a signature was provided on a sixth page after the cover page was immaterial. Additionally, Mr. Tillander pointed out that the Pre-Appeal Brief conference request was not filed with an After Final Amendment and that an After Final Amendment had been filed prior to the filing of the Pre-Appeal Brief Request for Review. Therefore, Mr. Tillander submitted the Pre-Appeal Brief Request for Review was proper.



With regard to the other comments provided in the Examiner's Interview Summary, the positions of the Applicants remain those provided in previously submitted papers.

Respectfully submitted,


FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP

April 26, 2006  
Date

  
Joseph D. Dreher, Reg. No. 37,123  
Thomas Tillander, Reg. No. 47,334  
1100 Superior Avenue, 7<sup>th</sup> Floor  
Cleveland, Ohio 44114-2579  
(216) 861-5582

CERTIFICATE OF MAILING

- I certify that this Comments on Statement of Reasons for Allowance is being
- ☐ deposited with the United States Postal Service as First Class mail under 37 C.F.R. § 1.8, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
  - ☐ transmitted via facsimile under 37 C.F.R. § 1.8 on the date indicated below.
  - ☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10, is addressed to: MAIL STOP AF, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

Express Mail Label No.:	Signature 
Date <u>April 26, 2006</u>	Printed Name Iris E. Weber